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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION THREE

THE PEOPLE,

Plaintiff and Respondent,

v.

JAIME M. MARTINEZ,

Defendant and Appellant.

G042592

(Super. Ct. No. 07NF0369)

O P I N I O N

Appeal from a judgment of the Superior Court of Orange County, James A. Stotler, Judge. Affirmed.

Arthur Martin, under appointment by the Court of Appeal, for Defendant and Appellant.

No appearance for Plaintiff and Respondent.

* * *

Jaime M. Martinez was charged with 32 counts of felony sex offenses against four children. On the second day of trial, he changed his pleas from not guilty to guilty. At sentencing, the prosecution expressed a lack of confidence in their earlier statute of limitations analysis considering four counts and those were dismissed by the court on the prosecution's motion. The court then imposed a sentence of 330 years to life in prison, a sentence comprised of twenty-two 15 years to life sentences.

Martinez appealed, and we appointed counsel to represent him. Counsel filed a brief which set forth the facts of the case and points counsel had considered as possible appellate issues. Counsel did not argue against his client, but advised the court he could find no issues to argue on appellant's behalf. Appellant was given 30 days to file written argument in his own behalf. That period passed, and we received no communication from appellant.

We examined the record ourselves to see if we could find any arguable issue and found no putative error in the determination of appellant's guilt. We find ourselves in agreement with appellate counsel that there are no appellate issues with a reasonable prospect of success with respect to appellant's guilt or the judgment imposed upon him.

DISCUSSION

Appellant pled guilty. This renders a detailed discussion of the facts against him superfluous. Suffice it to say there were facts from which an unbiased trier of fact could infer appellant's guilt and our review of the Tahl form signed by appellant – and the colloquy at the time of his change of plea – convinces us he knew and understood the facts and the resultant charges at the time he pled guilty.

We have also examined his waiver of a jury trial, which took place after a jury had been impaneled, and find no indication of miscommunication or misunderstanding. Appellant had the choice of proceeding with or without a jury, and there is nothing about his decision to jettison the jury and choose a court trial to indicate he misperceived that right or was prejudiced by his choice of a court trial.

There was a *Marsden* hearing in this case. We reviewed the transcript of that hearing. We feel we can say with certainty there is no appellate issue there.

His motions to suppress evidence were properly denied. The traffic stop was unobjectionable, the police conduct correct, and his statements taken under circumstances that did not violate the *Miranda* rule (*Miranda v. Arizona* (1966) 384 U.S.

436). The venue issue was interesting, but appears to have been correctly decided, and the court acted well within its discretion in denying severance of counts.

In short, there was really nothing much defense could have done in this case and the trial was correctly and appropriately conducted. We find no appellate issues. The judgment is affirmed.

BEDSWORTH, J.

WE CONCUR:

SILLS, P. J.

MOORE, J.